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Monday  
November 9, 1998

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Part LVII

**Federal Maritime  
Commission**

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Semiannual Regulatory Agenda

FEDERAL MARITIME COMMISSION (FMC)

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Regulatory Plan and Unified Agenda

AGENCY: Federal Maritime Commission.

ACTION: Regulatory plan and semiannual regulatory agenda.

SUMMARY: Pursuant to section 4(b) of E.O. 12866 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission anticipates having under consideration, during the period from October 1, 1998, to September 30, 1999, actions in the areas listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning Commission rulemaking proceedings or the status of any matter listed below, contact: Joseph C. Polking, Secretary,

800 North Capitol Street NW., Washington, DC 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Section 602 of the Regulatory Flexibility Act (5 U.S.C. 602) requires the publication of an agenda of items for which regulatory agencies may propose or promulgate a rule which is likely to have a significant economic impact on a substantial number of small entities. Section 4(b) of Executive Order 12866 also requires agencies to publish a regulatory agenda. The agendas include information on regulatory activities being conducted or reviewed during the succeeding 12 months by the Commission.

The following is the Commission's unified regulatory agenda. The agenda does not necessarily include all petitions for rulemakings which are under staff review.

In addition, the Commission maintains a compilation of the status of pending rulemaking proceedings and a listing of rules that have become final since the publication of the most recent regulatory agenda. This will be made available to the public, including the press and interested persons.

The Commission currently has no actions under consideration that constitute "significant regulatory actions" under the definition in Executive Order 12866. This edition of the Unified Agenda of Federal Regulatory and Deregulatory Actions includes The Regulatory Plan, which appears in part II of this issue of the **Federal Register**. The Federal Maritime Commission's Statement of Regulatory Priorities is included in part II.

**Joseph C. Polking**,  
Secretary.

Prerule Stage

Sequence Number	Title	Regulation Identifier Number
4499	Inquiry Into Automated Tariff Filing Systems as Proposed by the Pending Ocean Shipping Reform Act of 1998 (Docket No. 98-10) .....	3072-AC00

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
4500	Coloading Practices and Possible Section 16 Exemption for Coloading (Docket Nos. 93-22 and 94-26) .....	3072-AB75
4501	Financial Responsibility Requirements for Nonperformance of Transportation and Inquiry Into Alternative Forms (Docket No. 94-06; Further Notice of Proposed Rulemaking) .....	3072-AB80
4502	Port Restrictions and Requirements in the United States/Japan Trade (Docket No. 96-20) .....	3072-AB97

Completed Actions

Sequence Number	Title	Regulation Identifier Number
4503	Update of Existing and Addition of New Filing and Service Fees (Docket No. 98-09) .....	3072-AB99
4504	Availability of Records to the Public—Electronic Freedom of Information Act (Docket No. 98-11) .....	3072-AC01

## FEDERAL MARITIME COMMISSION (FMC)

Prerule Stage

**4499. • INQUIRY INTO AUTOMATED TARIFF FILING SYSTEMS AS PROPOSED BY THE PENDING OCEAN SHIPPING REFORM ACT OF 1998 (DOCKET NO. 98-10)****Priority:** Other Significant**Legal Authority:** 46 USC app 1701 et seq**CFR Citation:** 46 CFR 514**Legal Deadline:** None**Abstract:** The purposes of the Inquiry are to determine an approach that will produce private automated tariff publication systems that best comport with the directives of S.414, the Ocean Shipping Reform Act of 1998, and its

legislative history and to determine whether ocean common carriers should be required to file service contracts electronically. Comments are solicited on the possible requirements for such tariff filing systems and on the electronic filing of service contracts and publication of essential terms.

**Timetable:**

Action	Date	FR Cite
Notice of Inquiry (Comments Due 08/10/98)	07/09/98	63 FR 37088
Extension of Time (Comments to 08/25/98)	08/11/98	63 FR 42801
End Review	11/00/98	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification, and Licensing, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573

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**RIN:** 3072-AC00

## FEDERAL MARITIME COMMISSION (FMC)

Long-Term Actions

**4500. COLOADING PRACTICES AND POSSIBLE SECTION 16 EXEMPTION FOR COLOADING (DOCKET NOS. 93-22 AND 94-26)****Priority:** Substantive, Nonsignificant**CFR Citation:** 46 CFR 514.15; 46 CFR 580.5; 46 CFR 581.1; 46 CFR 581.3**Timetable:**

Action	Date	FR Cite
NPRM	11/24/93	58 FR 62077
NPRM Comment Period End	03/11/94	59 FR 5974
Notice of Inquiry (Docket No. 94-26)	11/09/94	59 FR 55826
Comment Period End for NOI (Docket No. 94-26)	12/27/94	
NOI Comment Period Extended to 01/23/95	12/28/94	59 FR 66880
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Thomas Panebianco

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**RIN:** 3072-AB75**4501. FINANCIAL RESPONSIBILITY REQUIREMENTS FOR NONPERFORMANCE OF TRANSPORTATION AND INQUIRY INTO ALTERNATIVE FORMS (DOCKET NO. 94-06; FURTHER NOTICE OF PROPOSED RULEMAKING)****Priority:** Other Significant**Reinventing Government:** This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.**CFR Citation:** 46 CFR 540.5; 46 CFR 540.9**Timetable:**

Action	Date	FR Cite
NPRM	03/31/94	59 FR 15149
NPRM Comment Period End	05/02/94	
Comment Period Extended to	06/10/94	59 FR 23182
Comment Period Extended to	06/24/94	59 FR 30567
Notice of Inquiry (Docket No. 94-21)	10/14/94	59 FR 52133
Clarification of Notice of Inquiry	11/02/94	59 FR 54878
Comment Period End for Notice of Inquiry	11/28/94	59 FR 52133
Further NPRM (Docket No. 94-06)	06/26/96	61 FR 33059
Discontinuance of Proceeding for Docket No. 94-21	07/03/96	61 FR 39940
Further NPRM Comment Period End	08/26/96	61 FR 33059

Action	Date	FR Cite
Comment Period Extended to	09/25/96	61 FR 43209
Comment Period Extended to	10/15/96	61 FR 50265
Final Action	00/00/00	
Final Action Effective	00/00/00	

**Regulatory Flexibility Analysis****Required:** No**Small Entities Affected:** Businesses**Government Levels Affected:** None**Agency Contact:** Bryant L. VanBrakle

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**RIN:** 3072-AB80**4502. PORT RESTRICTIONS AND REQUIREMENTS IN THE UNITED STATES/JAPAN TRADE (DOCKET NO. 96-20)****Priority:** Other Significant**CFR Citation:** 46 CFR 586**Timetable:**

Action	Date	FR Cite
NPRM	11/13/96	61 FR 58160
Comment Period Extended to 01/20/97	12/27/96	61 FR 68200
NPRM Comment Period End	01/13/97	
Final Rule	03/04/97	62 FR 9696
Final Rule Effective	04/14/97	
Amendment to Final Rule	04/16/97	62 FR 18532

**FMC**

**Long-Term Actions**

Action	Date	FR Cite	Action	Date	FR Cite
Final Rule Effectiveness Extended to 09/04/97	04/16/97	62 FR 18533	Amendment to Final Rule - Denial of Petition	10/20/97	62 FR 54396
Status Reports and Comments Due 07/01/97	04/16/97	62 FR 18533	Final Rule Effectiveness Suspended 11/13/97	11/19/97	62 FR 61648
Status Reports and Comments Due 08/05/97	04/16/97	62 FR 18433	Final Action	00/00/00	
			Final Action Effective	00/00/00	

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** Businesses  
**Government Levels Affected:** None  
**Agency Contact:** Thomas Panebianco  
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**RIN:** 3072-AB97

**FEDERAL MARITIME COMMISSION (FMC)**

**Completed Actions**

**4503. • UPDATE OF EXISTING AND ADDITION OF NEW FILING AND SERVICE FEES (DOCKET NO. 98-09)**

**Priority:** Info./Admin./Other  
**Legal Authority:** 5 USC 553; 31 USC 9701; 46 USC app 1716  
**CFR Citation:** 46 CFR 502; 46 CFR 503; 46 CFR 510; 46 CFR 514; 46 CFR 540; 46 CFR 572; 46 CFR 585; 46 CFR 587; 46 CFR 588  
**Legal Deadline:** None

**Abstract:** The FMC proposes to revise its existing fees for: Filing petitions, complaints, special docket applications, freight forwarder applications, vessel performance and casualty certification applications, and agreements; various public information services; and various ATFI-related services. The proposal will update existing fees to reflect current costs to the Commission. In addition, the FMC proposes to add three new fees for the publication of the Regulated Persons Index on diskette; the application to amend a passenger vessel operator's Certification of Financial Responsibility for Indemnification of Passengers; and the Agency's review of corrections of clerical errors in service contracts.

**Timetable:**

Action	Date	FR Cite
NPRM	07/01/98	63 FR 35896

Action	Date	FR Cite
NPRM Comment Period End	07/31/98	
Final Action	09/22/98	63 FR 50534
Final Action Effective	11/02/98	

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** Businesses  
**Government Levels Affected:** None  
**Agency Contact:** Sandra L. Kusumoto, Director, Bureau of Administration, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573  
 Phone: 202 523-5866  
 Fax: 202 523-3782  
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**RIN:** 3072-AB99

**4504. • AVAILABILITY OF RECORDS TO THE PUBLIC—ELECTRONIC FREEDOM OF INFORMATION ACT (DOCKET NO. 98-11)**

**Priority:** Info./Admin./Other  
**Legal Authority:** 5 USC 552 to 553; 31 USC 9701; EO 12958; PL 104-231  
**CFR Citation:** 46 CFR 503  
**Legal Deadline:** None

**Abstract:** The FMC proposes to revise its regulations on public access to Commission records, materials, and

information in order to clarify existing rules, provide information concerning the electronic availability of information and records, and to incorporate the requirements of the Electronic Freedom of Information Act Amendments of 1996.

**Timetable:**

Action	Date	FR Cite
NPRM	07/22/98	63 FR 39263
Correction to Notice of Proposed Rulemaking	07/29/98	63 FR 40387
NPRM Comment Period End	08/21/98	
Final Action	10/05/98	63 FR 53308
Final Action Effective	11/04/98	

**Regulatory Flexibility Analysis Required:** No  
**Small Entities Affected:** No  
**Government Levels Affected:** None  
**Agency Contact:** Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573  
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**RIN:** 3072-AC01

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